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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Stephen A. Udem et al.

Serial No. : To be Assigned (entry into U.S. National Stage from PCT/US98/19145)

Filed : March 16, 2000

For: Attenuated Respiratory Syncytial Viruses

Examiner : To be Assigned

Group Art Unit : To be Assigned

BOX PATENT APPLICATION

Hon. Assistant Commissioner

for Patents

Washington, D.C. 20231

DECLARATION OF ALAN M. GORDON

Sir:

I, ALAN M. GORDON, hereby declare and state:

1. I am the attorney of record in the above-captioned application in which I represent the inventors.

CERTIFICATION UNDER 37 C.F.R. 1.10

I hereby certify that this paper and the documents referred to as enclosed therein are being deposited with the United States Postal Service on the date written below in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EL251674792US addressed to the Assistant Commissioner for Patents, Box Patent Application, Washington, D.C. 20231.

March 16, 2000

Date

Alan M. Gordon

Alan M. Gordon

2. Attached to this Declaration is what I am informed and I believe is a true copy of a Receipt dated April 15, 1992 of seven deposits of biological material made by employees of Lederle-Praxis Biologicals, a wholly-owned subsidiary of Applicants' employer, American Cyanamid Company, which are relevant to the above-captioned application, namely: samples of attenuated human Respiratory Syncytial Virus strains designated RSV 2Bp33F, RSV 2Bp34L, RSV 3Ap28F, RSV 3Ap20F, RSV 2Bp20L, RSV 3Ap20E and RSV 2Bp24G, said deposits all having been made on March 19, 1992, with the American Type Culture Collection (ATCC), which was then located at 12301 Parklawn Drive, Rockville, Maryland 20852 (now located at 10801 University Boulevard, Manassas, VA 20110-2209); with each deposit having been made in accordance with the Budapest Treaty. The deposits were tested and found to viable on April 2, 1992, and were accorded accession numbers ATCC VR-2364 (RSV 2Bp33F), ATCC VR-2365 (2Bp34L), ATCC VR-2366 (3Ap28F), ATCC VR-2367 (3Ap20F), ATCC VR-2368 (2Bp20L), ATCC VR-2369 (3Ap20E), and ATCC VR-2370 (2Bp24G), respectively, by the ATCC.

2. Also attached to this Declaration is what I am informed and I believe is a true copy of a Receipt dated September 10, 1997 of three deposits of biological material made by Applicants, one of which is relevant to the above-captioned application, namely: samples of a human Respiratory Syncytial Virus 2B strain, said deposit having been made on August 21, 1997, with the ATCC, 12301 Parklawn Drive, Rockville, Maryland 20852 (now located at 10801 University Boulevard, Manassas, VA 20110-2209), with this deposit having been made in accordance with the Budapest Treaty. This deposit was tested and found to viable on September 8, 1997, and was accorded accession number ATCC VR-2586 (RSV 2B) by the ATCC.

4. The ATCC is an International Depository Authority under the Budapest Treaty. The deposits ATCC VR-2364, ATCC VR-2365, ATCC VR-2366, ATCC VR-2367, ATCC VR-2368, ATCC VR-2369, ATCC VR-2370 and ATCC VR-2586 have thus been accepted by an International Depository Authority under the provisions of the Budapest Treaty. In accordance with the terms of the Budapest Treaty, all restrictions upon the availability to the public of the eight deposited materials

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will be irrevocably removed upon the granting of a patent on this application and the deposits will be replaced if viable samples cannot be dispensed by the depository. The deposited materials will be maintained for a period of at least 30 years after the date of deposit, or five years after the most recent request for a sample, whichever is longer.

5. I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

March 16, 2000

Date

Alan M. Gordon

ALAN M. GORDON



American Type Culture Collection

12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: (301) 231-5520 Telex: 898-055 ATCCNORTHII • FAX: 301-770-2587

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BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Lederle-Praxis Biologicals
Attention: Dr. Valerie B. Randolph
Building 211/Room 348
401 Middletown Road
Pearl River, NY 10965

Deposited on Behalf of: Dr. Valerie B. Randolph, Dr. Carolyn Weeks-Levy
of Lederle-Praxis Biologicals

Identification Reference by Depositor: ATCC Designation

Attenuated respiratory syncytial virus:

RSV 2Bp33F	VR 2364
RSV 2Bp34L	VR 2365
RSV 3Ap28F	VR 2366
RSV 3Ap20F	VR 2367
RSV 2Bp20L	VR 2368
RSV 3Ap20E	VR 2369
RSV 2Bp24G	VR 2370

The deposits were accompanied by: a scientific description a proposed taxonomic description indicated above.

The deposits were received March 19, 1992 by this International Depository Authority and have been accepted.

AT YOUR REQUEST:

We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years after the date of deposit, and for a period of at least five years after the most recent request for a sample. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested April 2, 1992. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Bobbie A. Brandon Date: April 15, 1992
Bobbie A. Brandon, Head, ATCC Patent Depository

cc: Antoinett F. Konski



American Type Culture Collection

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12301 Parklawn Drive • Rockville, MD 20852 USA • Telephone: 301-231-5519 or 231-5532 • FAX: 301-816-4366

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3 AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

RECEIVED**To: (Name and Address of Depositor or Attorney)**

SEP 17 1997

Wyeth-Lederle Vaccines and Pediatrics
Attn: Mohinder S. Sidhu
401 N. Middletown Road
Pearl River, NY 10965

ALAN M. GORDON

Deposited on Behalf of: American Cyanamid Company**Identification Reference by Depositor:****ATCC Designation**

Human Respiratory Syncytial Virus 2B strain	VR-2586
Measles Virus MORATEN strain	VR-2587
Human Parainfluenza Virus Type 3 (Attenuated) JScp45-Vero	VR-2588

The deposits were accompanied by: a scientific description a proposed taxonomic description indicated above.

The deposits were received August 21, 1997 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested September 8, 1997. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Rockville, Md. 20852 USA

Signature of person having authority to represent ATCC:

Barbara M. Hailey
Barbara M. Hailey, Administrator, Patent Depository

Date: September 10, 1997

cc: Alan M. Gordon